

SCHOOL ZONE LAWS OF NORTH CAROLINA

In North Carolina, motorists must stop for stopped school buses and must obey school crossing guards, who are considered traffic control officers, when trained as specified. School zones are marked with signs and pavement markings with special speed limits posted, often with the effective hours marked on the signs. Some school zones also have blinking lights. Motorists must yield to pedestrians on all turns and when pedestrians are in a marked crosswalk. School buses may not exceed a speed of 55 mph when carrying students.

The following are specific sections of the North Carolina Motor Vehicle Code (from the North Carolina General Statutes) that pertain to schools and school zones.

20-141. Speed Restrictions

Speed Limits in School Zones-----(20-141.1)

The Board of Transportation or local authorities within their respective jurisdictions may, by ordinance, set speed limits lower than those designated in G.S. 20-141 for areas adjacent to or near a public, private or parochial school. Limits set pursuant to this section shall become effective when signs are erected giving notice of the school zone, the authorized speed limit, and the days and hours of when the lower limit is effective, or by erecting signs giving notice of the school zone, the authorized speed limit and which indicate the days and hours the lower limit is effective by an electronic flasher operated with a time clock. Limits set pursuant to this section may be enforced only on the days when school is in session, and no speed limit below 20 miles per hour may be set under the authority of this section.

20-217. Motor Vehicles to Stop for Properly Marked and Designated School Buses in Certain Instances; Evidence of Identity of Driver

Nicholas Adkins School Bus Safety Act

(a) The driver of any vehicle upon approaching from any direction on the same street or highway any school bus (including privately owned buses transporting children and school buses transporting senior citizens under G.S. 115C-243), while the bus is displaying its mechanical stop signal or flashing red stoplights, and is stopped for the purpose of receiving or discharging passengers, shall bring his vehicle to a full stop before passing or attempting to pass the bus, and shall remain stopped until the mechanical stop signal has been turned withdrawn, the flashing red stoplights have been turned off, and the bus has moved on.

(b) The provisions of this section are applicable only in the event the school bus bears upon the front and rear a plainly visible sign containing the words "school bus" in letters not less than eight inches in height.

(c) Notwithstanding the provisions of subsection (a) of this section, the driver of a vehicle traveling in the opposite direction from the school bus, upon any road, highway, or city street which has been divided into two roadways by an intervening space (including a center lane for left turns if the roadway consists of at least four or more lanes) or by a physical barrier, need not stop upon meeting and passing any school bus which has stopped in the roadway across such dividing space or physical barrier.

(d) It shall be unlawful for any school bus driver to stop and receive or discharge passengers or for any principal or superintendent of any school, routing a school bus, to authorize the driver of any school bus to stop and receive or discharge passengers upon any roadway described by subsection (c) of this section where passengers would be required to cross the roadway to reach their destination or to board the bus; provided, that passengers may be discharged or received at points where pedestrians and vehicular traffic are controlled by adequate stop-and-go traffic signals.

(e) Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

(g) Any person who willfully violates subsection (a) of this section and strikes any person shall be guilty of a Class I felony. Any person who willfully violates subsection (a) of this section and strikes any person, resulting in the death of that person, shall be guilty of a Class H felony.

(h) Automated camera and video recording systems may be used to detect and prosecute violations of this section. Any photograph or video recorded by a camera or video recording system shall, if consistent with the North Carolina Rules of Evidence, be admissible as evidence in any proceeding alleging a violation of subsection (a) of this section.

20-218. Standard Qualifications for School Bus Drivers; Speed Limit for School Buses and School Activity Buses

(a) **Qualifications.** – No person shall drive a school bus over the highways or public vehicular areas of North Carolina while it is occupied by children unless the person furnishes to the superintendent of the schools of the county in which the bus shall be operated a certificate from any representative duly designated by the Commissioner and from the Director of Transportation or a designee of the Director in charge of school buses in the county showing that the person has been examined by them and is fit and competent to drive a school bus over the highways and public vehicular areas of the State. The driver of a school bus must be at least 18 years of age and hold a Class A, B, or C commercial

drivers license and a school bus driver's certificate. The driver of a school activity bus must meet the same qualifications of a school bus driver or must have a license appropriate for the class of vehicle being driven.

(b) Speed Limits. – It is unlawful to drive a school bus loaded with children over the highways or public vehicular areas of the State at a greater rate of speed than 45 miles per hour. It is unlawful to drive a school activity bus loaded with children over the highways or public vehicular areas of North Carolina at a greater rate of speed than 55 miles per hour.

(c) Punishment. – A person who violates this section commits a Class 3 misdemeanor.

20-179. Sentencing Hearing After Conviction for Impaired Driving; Determination of Grossly Aggravating and Aggravating and Mitigating Factors; Punishments.

(d) Aggravating Factors to be Weighed. – The judge must determine before sentencing under subsection (f) whether any of the aggravating factors listed below applies to the defendant. The judge must weigh the seriousness of each aggravating factor in the light of the particular circumstances of the case. The factors are:

- (1)** Gross impairment of the defendant's faculties while driving or an alcohol concentration of 0.16 or more within a relevant time after driving.
- (2)** Especially reckless or dangerous driving.
- (3)** Negligent driving that lead to a reportable accident.
- (4)** Driving by the defendant while his driver's license was revoked.
- (5)** Two or more prior convictions or a motor vehicle offense not involving impaired driving for which at least three points are assigned under G.S. 20-16 or for which the convicted person's license is subject to revocation, if the convictions occurred within five years of the date of the offense for which the defendant is being sentenced, or one or more prior convictions of an offense involving impaired driving that occurred more than seven years before the date of the offense for which the defendant is being sentenced.
- (6)** Conviction under the G.S. 20-141(j) of speeding by the defendant while fleeing or attempting to elude apprehension.
- (7)** Conviction under G.S. 20-141 of speeding by the defendant by at least 30 miles per hour over the legal limit.

(8) Passing a stopped school bus in violation of G.S. 20-217.

(9) Any other factor that aggravates the seriousness of the offense.

20-16. Authority of Division to Suspend License.

(c) The Division shall maintain a record of convictions of every person licensed or required to be licensed under the provisions of this Article as an operator and shall enter therein records of all convictions of such persons for any violation of the motor vehicle laws of this State and shall assign to the record of such person, as of the date of the commission of the offense, a number of points for every such conviction in accordance with the following schedule of convictions and points, except that points shall not be assessed for convictions resulting in suspension or revocations under other provisions of laws: Further, any points heretofore charged for violation of the motor vehicle inspection laws shall not be considered by the Division of Motor Vehicles as a basis for suspension or revocation of driver's license:

Schedule of Point Values

Passing stopped school bus	5
Driving through safety zone	3
Speeding in a school zone	3

20-4.01. Definitions.

(27) Passenger Vehicles b. For hire passenger vehicles.—Vehicles transporting persons for compensation. This classification shall not include vehicles ... vehicles transporting students for the public school system under contract with the State Board of Education

d4. School bus.—A vehicle whose primary purpose is to transport school students over an established route to and from school for the regularly scheduled school day, that is equipped with alternately flashing red lights on the front and rear and a mechanical stop signal, and that bears the words "School Bus" on the front and rear in letters at least 8 inches in height. The term includes a public, private, or parochial vehicle that meets this description.

(32) Public Vehicular Area.—Any area within the State of North Carolina that is generally open to and used by the public for vehicular traffic, including by way of illustration and not limitation any drive, driveway, road, roadway, street, alley, or parking lot upon the grounds and premises of:

a. Any public or private hospital, college, university, school, orphanage, church, or any of the institutions, parks or other facilities maintained and supported by the State of North Carolina or any of its subdivisions.

(39) Safety Zone.—Traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

20-160. Driving through safety zone or on sidewalks prohibited.

- (a) The driver of a vehicle shall not at any time drive through or over a safety zone.
- (b) No person shall drive any motor vehicle upon a sidewalk or sidewalk area except upon a permanent or temporary driveway.

20-158. Vehicle control signs and signals.

(b) Control of Vehicles at Intersections.

(2) vehicular traffic facing a red light controlling traffic passing straight through an intersection, after coming to a complete stop at the intersection, may enter the intersection to make a right turn but such vehicle shall yield the right of way to pedestrians and to other traffic using the intersection.... When the stoplight is emitting a steady green light, vehicles may proceed with due care through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.

(c) Control of Vehicles at Places other than Intersections.

(1) When a stop sign has been erected or installed at a place other than an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to pedestrians and other vehicles.

(2) When a stoplight has been erected or installed at a place other than an intersection, and is emitting a steady red light, vehicles facing the red light shall come to a complete stop. When the stoplight is emitting a steady yellow light, vehicles facing the light shall be warned that a red light will be immediately forthcoming and that vehicles may not proceed through such a red light. When the stoplight is emitting a steady green light, vehicles may proceed subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.

(3) When a flashing red light has been erected or installed at a place other than an intersection, approaching vehicles facing the light shall stop and yield the right-of-way to pedestrians or other vehicles.

(4) When a flashing yellow light has been erected or installed at a place other than an intersection, approaching vehicles facing the light may proceed with caution, yielding the right-of-way to pedestrians and other vehicles.

(5) When a stoplight, stop sign, or other signaling device authorized by subsection

(a) requires a vehicle to stop at a place other than an intersection, the driver shall stop at an appropriately marked stop line, or if none, before entering a marked crosswalk, or if none, before proceeding past the signaling device.

20-114.1. Willful failure to obey law-enforcement or traffic-control officer; firemen as traffic-control officers; appointment, etc., of traffic control officers.

(c) The chief of police or county police department or the sheriff of any county is authorized to appoint traffic-control officers, who shall have attained the age of 18 years and who are hereby authorized to direct, control, or regulate traffic within their respective jurisdictions at times and places specifically designated in writing by the police chief or the sheriff. A traffic-control officer, when exercising this authority, must be attired in a distinguishing uniform or jacket indicating that he is a traffic-control officer and must possess a valid authorization card issued by the police chief or sheriff who appointed him. Unless an earlier expiration date is specified, an authorization card shall expire two years from the date of its issuance. In order to be appointed as a traffic-control officer, a person shall have received at least three hours of training in directing, controlling, or regulating traffic under the supervision of a law-enforcement officer. A traffic-control officer shall be subject to the rules and regulations of the respective local or county police department or sheriff's office as well as the lawful command of any other law-enforcement officer. The appointing police chief or sheriff shall have the right to revoke the appointment of any traffic-control officer at any time with or without cause. The appointing police chief or sheriff shall not be held liable for any act or omission of a traffic-control officer. A traffic-control officer shall not be deemed to be an agent or employee of the respective local or county police department or of the sheriff's office, nor shall he be considered a law-enforcement officer except as provided herein. A traffic-control officer shall not have nor shall he exercise the power of arrest.

(d) No police chief or sheriff who is authorized to appoint traffic-control officers under subsection (c) of this section shall appoint any person to direct, control, or regulate traffic unless there is indemnity against liability of the traffic-control officer for wrongful death, bodily injury, or property damage that is proximately caused by the negligence of the traffic-control officer while acting within the scope of his duties as a traffic-control officer. Such indemnity shall provide a minimum of twenty-five thousand dollars (\$25,000) for the death of or bodily injury to one person in any one accident, fifty thousand dollars (\$50,000) for the death or bodily injury to two or more persons in any one accident, and ten thousand dollars (\$10,000) for injury to or destruction of property of others in any one accident.

136-33.2. Signs marking beginning and ending of speed zones.

Whenever speed zones are established by any agency of the State having authority to establish such speed zones, there shall be erected or posted a sign of adequate size at the beginning point of such speed zone designating the zone and the speed limit to be observed therein, and there shall be erected or posted at the end of such speed zone an adequate sign indicating the end of such speed zone which sign shall also indicate such different speed limit as may then be observed.

At least 600 feet in advance of the beginning of any speed zone established by any agency of the State authorized to establish the same, there shall be erected a sign of adequate size which shall bear the legend "Reduce Speed Ahead."

115C-240. Authority and duties of State Board of Education.

(e) The State Board of Education shall be under no duty to supply transportation to any pupil or employee enrolled or employed in any school. Neither the State nor the State Board of Education shall in any manner be liable for the failure or refusal of any local board or education to furnish transportation, by school bus or otherwise, to any pupil or employee of any school, or for any neglect or action of any county or city board of education, or any employee of any such board, in the operation or maintenance of any school bus.

Last Update: 11/13/09